

REMARKS-General

1. The newly drafted independent claims 6 and 8 incorporate all structural limitations of the original claim 1 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 6-9 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Response to Rejection of Claims 5 under 35USC112

2. The applicant submits that the newly drafted claims 6-9 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

Regarding to Rejection of Claims 5 under 35USC102

3. The Examiner rejected claim 5 as being anticipated by any one of Abe (GB 2228173) or Hiroya (JP 60-192550). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

4. In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her invention was patent in this country more than one year prior to the date of the application for patent in the United States.

5. However, the Abe or Hiroya patent and the instant invention are not the same invention according to the fact that the independent claim 6 of the instant invention does not read upon the Abe or Hiroya patent too. Apparently, Abe or Hiroya fails to teach the distinctive features of the instant invention as follows:

(a) Abe or Hiroya fails to teach and anticipate "the raw bean material is mixed with the nutrition element" is claimed to produce the bean product as claimed in claims 6 and 9.

Abe merely teaches a manufacturing method of snack foodstuff semi-processed material for granular foodstuffs without any method of teaching how to produce a bean product. Abe merely teaches granular foodstuff contains the main ingredient, the auxiliary ingredients, and additives. The main ingredient contains the starch of rice, barley, wheat, millet, potato, etc. The auxiliary ingredient contains granular or powdered foods containing proteins, starches, beans, sesame, small fishes and shellfishes. The additives are food colorings, blowing agents, spices, flavorings, etc. It is apparent that Abe fails to teach and anticipate the same recitation and limitation in claim 6 of the instant invention of mixing the raw bean material with the nutrition element to form the bean product.

Hiroya merely teaches a production of corned beef-like food comprises the steamed soybean, animal meat, and flavors mixing with each other. However, Hiroya fails to teach the raw bean material is mixed with the nutrition element before any steaming process.

(b) Abe or Hiroya fails to teach and anticipate “the nutrition element is selected from the group consisting of juice, granules, fine granules, vegetables, fruit, sea foods, domestic birds, wild birds, plants, fungus” as claimed in claims 6 and 9.

Abe merely teaches the starch of rice, barley, wheat, millet, potato, etc as the main ingredient mixing with granular or powdered foods containing proteins, starches, beans, sesame, small fishes and shellfishes without any mention of any mixture of the raw bean material and at least of the juice, granules, fine granules, vegetables, fruit, sea foods, domestic birds, wild birds, plants, fungus. In other words, the bean product of the instant invention does not contain any starch, barley, wheat, millet or potato. It is worth to mention that the main ingredient of Abe is not the ingredient to produce bean product.

Hiroya merely teaches the steamed soybean is mixed with animal meat without any mention of mixing the raw bean material with the nutrition element is selected from the group consisting of juice, granules, fine granules, vegetables, fruit, sea foods, domestic birds, wild birds, plants, and fungus.

(c) Abe or Hiroya fails to teach and anticipate the step of “**steaming** the raw bean material mixed with the nutrition element” as claimed in claim 6 and 9

Abe merely teaches the mixture of the main ingredient and the auxiliary ingredient is steamed and kneaded by injecting high-pressure steam without any mention of how to steam the raw bean material mixed with the nutrition element to form the bean product.

Hiroya merely teaches the soybean is steamed before mixing with the animal meat without any mention of any step of steaming the raw bean material after the raw bean material is mixed with the nutrition element.

(d) Abe or Hiroya fails to teach and anticipate that **no water** is added to the mixture as claimed in claim 6 because the juice of the nutrition element contains water such that the step of adding the water into the mixture can be omitted.

The applicant respectfully submits the bean product is a simple product made of bean material through the steam-cooking process. Hiroya merely teaches the soybean is steamed to mix with the animal meat such that the corned beef-like food taught by Hiroya is mere a mixture of the bean product with the animal meat. The instant invention provides a manufacturing method by firstly mixing the raw bean material with the nutrition element and then steaming the mixture thereof. In other words, the nutrition element is also treated the steam-cooking process to improve the color, smell, and taste of the bean product.

(e) Abe or Hiroya fails to teach and anticipate the fruit, vegetables, sea foods, domestic birds, wild birds, plants, fungus are formed in **powder** form to mix with said raw bean material as claimed in claim 9.

Abe merely teaches the mixture of the main ingredient and the auxiliary ingredient without any mention of any powdered fruit, vegetables, sea foods, domestic birds, wild birds, plants, fungus mixing with the raw bean material to form the bean product.

Hiroya merely teaches the steamed soybean mixing with animal meat without any powdered fruit, vegetables, sea foods, domestic birds, wild birds, plants, fungus mixing with the raw bean material before the raw bean material is steamed to form the bean product.

6. Accordingly, both Abe and Hiroya fail to anticipate the distinctive features (a) to (e) of the instant invention.

7. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

The Cited but Non-Applied References

8. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

9. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 6 to 9 at an early date is solicited.

10. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raymond Yi Chan', is written over a horizontal line.

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I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

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Person Signing: Raymond Y. Chan